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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,946	02/08/2001	Yves Malecot	5418	6110

6858 7590 06/30/2004

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EXAMINER

CECIL, TERRY K

ART UNIT PAPER NUMBER

1723

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/744,946	<b>Applicant(s)</b> MALECOT ET AL.	
	<b>Examiner</b> Mr. Terry K. Cecil	<b>Art Unit</b> 1723	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

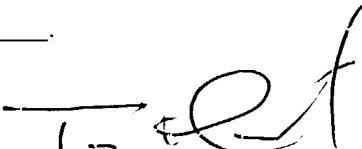
Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: See Continuation Sheet

  
 Mr. Terry K. Cecil  
 Primary Examiner  
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Continuation of 5. does NOT place the application in condition for allowance because: applicant's claims do not structurally differentiate from the combination of the references applied in the final rejection of 1-5-2004. .

Continuation of 10. Other: see the attached sheet including a responses to applicant's arguments..

**Attachment to the Advisory Action of 06/2004**

***Response to Arguments***

1. Applicant's arguments filed 6-7-2004 have been fully considered but they are not persuasive because of the following reasons:

- Applicant argues (page 3) that Suzuki does not teach a filter wherein fluid can move thereacross in a centripetal direction. The language in claim 13 is “wherein fluid *is able* to move across the filter element in a substantially centripetal direction.” The examiner contends that because of the radial spacing between his casing and cylindrical filter element, as shown in e.g. figure 2, Suzuki teaches a filter element wherein fluid *is able* to flow in a centripetal direction (including circumferentially in the aforementioned radial spacing). The aforementioned claim language does not limit the claim such that fluid must flow perpendicularly from a radial outside part 26 into a radial inside part 30 and then to an axial outlet 24 as shown in e.g. applicant’s figure 1. Such a flow configuration is not claimed.
- Applicant argues (page 3) that Suzuki does not teach the “roll as being compactly wound” since Suzuki does not teach that a compression roller is applied against the outside of the winding in progress to allow for especially compact winding—as described in the applicant’s specification. However, it is pointed out that applicant’s claims do not require the filter element to be made in such a process using a compression roller. Nor do the claims require the compacting process to result in avoiding “crushing of the core” as argued on page 4. The examiner contends that the filter element of Suzuki formed by “wrapping many times” (col. 2, line 43) to create an element having a simple construction and an extremely large filtering

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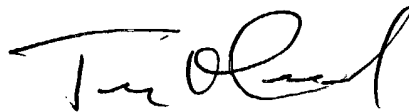
capacity (col. 7, lines 45-48) to form the element as shown in e.g. figure 2 of Suzuki that fits within the end cap 6 thereof has a sufficient degree of compactness for that claimed.

- Applicant argues (page 4-5) that Suzuki in view of Harvout does not produce the claimed invention since the coreless configuration is a result of using resin-impregnated paper and not a result solely of a compact rolling. However, the examiner contends that the claims are not so limited (see above) and that applicant's transitional word "comprising" is open ended such that other elements can be present (e.g. resin impregnation). The examiner contends that the filter of Suzuki modified using the impregnated filtering material of Harvout produces the claimed core-less filter element and further contends that the reasons for combination the references given in the prior office action, e.g. less expensive to manufacture (see col. 1 of Harvout), provide sufficient reasons for modifying Suzuki.
- Applicant argues (page 6) that one skilled in the art would not look to the teachings of Koboyashi who does not teach the use of his invention as a filtering element. However, it is pointed out that Suzuki's teaching of producing his filter element in the same manner as toilet paper (col. 2, lines 44-46) would motivate the skilled man to look to such patents for the manufacturing methods thereof to produce a coreless paper rolled filter—as desired by Suzuki, as modified by Harvout—to provide the benefit of being less expensive as not requiring the expense of the core material.
- As shown above and in the final rejection, sufficient motivation for combining the references has been provided such that improper hindsight was not used.

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2. Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (571) 272-1138 at the Carlisle campus in Alexandria, Virginia for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:30a to 4:30p, on at least four days during the week M-F.
- Wanda Walker, the examiner's supervisor, can be reached at (571) 272-1151 if attempts to reach the examiner are unsuccessful.
- The Fax number for this art unit for official faxes is 703-872-9306.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mr. Terry K. Cecil  
Primary Examiner  
Art Unit 1723